



Sen. Kwame Raoul

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09800HB5674sam001

LRB098 16200 RPM 59314 a

1 AMENDMENT TO HOUSE BILL 5674

2 AMENDMENT NO. _____. Amend House Bill 5674 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Compassionate Use of Medical Cannabis Pilot
5 Program Act is amended by changing Sections 105 and 130 as
6 follows:

7 (410 ILCS 130/105)

8 (Section scheduled to be repealed on January 1, 2018)

9 Sec. 105. Requirements; prohibitions; penalties for
10 cultivation centers.

11 (a) The operating documents of a registered cultivation
12 center shall include procedures for the oversight of the
13 cultivation center, a cannabis plant monitoring system
14 including a physical inventory recorded weekly, a cannabis
15 container system including a physical inventory recorded
16 weekly, accurate record keeping, and a staffing plan.

1 (b) A registered cultivation center shall implement a
2 security plan reviewed by the State Police and including but
3 not limited to: facility access controls, perimeter intrusion
4 detection systems, personnel identification systems, 24-hour
5 surveillance system to monitor the interior and exterior of the
6 registered cultivation center facility and accessible to
7 authorized law enforcement and the Department of Financial and
8 Professional Regulation in real-time.

9 (c) In a municipality with a population of fewer than
10 500,000, a A registered cultivation center may not be located
11 within 2,500 feet of the property line of a pre-existing public
12 or private preschool or elementary or secondary school or day
13 care center, day care home, group day care home, part day child
14 care facility, or an area zoned for residential use. A
15 municipality with a population of 500,000 or more may adopt its
16 own zoning requirements with regard to the location of a
17 registered cultivation center and its proximity to a
18 pre-existing public or private preschool or elementary or
19 secondary school or day care center, day care home, group day
20 care home, part day child care facility, or an area zoned for
21 residential use.

22 (d) All cultivation of cannabis for distribution to a
23 registered dispensing organization must take place in an
24 enclosed, locked facility as it applies to cultivation centers
25 at the physical address provided to the Department of
26 Agriculture during the registration process. The cultivation

1 center location shall only be accessed by the cultivation
2 center agents working for the registered cultivation center,
3 Department of Agriculture staff performing inspections,
4 Department of Public Health staff performing inspections, law
5 enforcement or other emergency personnel, and contractors
6 working on jobs unrelated to medical cannabis, such as
7 installing or maintaining security devices or performing
8 electrical wiring.

9 (e) A cultivation center may not sell or distribute any
10 cannabis to any individual or entity other than a dispensary
11 organization registered under this Act.

12 (f) All harvested cannabis intended for distribution to a
13 dispensing organization must be packaged in a labeled medical
14 cannabis container and entered into a data collection system.

15 (g) No person who has been convicted of an excluded offense
16 may be a cultivation center agent.

17 (h) Registered cultivation centers are subject to random
18 inspection by the State Police.

19 (i) Registered cultivation centers are subject to random
20 inspections by the Department of Agriculture and the Department
21 of Public Health.

22 (j) A cultivation center agent shall notify local law
23 enforcement, the State Police, and the Department of
24 Agriculture within 24 hours of the discovery of any loss or
25 theft. Notification shall be made by phone or in-person, or by
26 written or electronic communication.

1 (k) A cultivation center shall comply with all State and
2 federal rules and regulations regarding the use of pesticides.

3 (Source: P.A. 98-122, eff. 1-1-14.)

4 (410 ILCS 130/130)

5 (Section scheduled to be repealed on January 1, 2018)

6 Sec. 130. Requirements; prohibitions; penalties;
7 dispensing organizations.

8 (a) The Department of Financial and Professional
9 Regulation shall implement the provisions of this Section by
10 rule.

11 (b) A dispensing organization shall maintain operating
12 documents which shall include procedures for the oversight of
13 the registered dispensing organization and procedures to
14 ensure accurate recordkeeping.

15 (c) A dispensing organization shall implement appropriate
16 security measures, as provided by rule, to deter and prevent
17 the theft of cannabis and unauthorized entrance into areas
18 containing cannabis.

19 (d) In a municipality with a population of fewer than
20 500,000, a A dispensing organization may not be located within
21 1,000 feet of the property line of a pre-existing public or
22 private preschool or elementary or secondary school or day care
23 center, day care home, group day care home, or part day child
24 care facility. A registered dispensing organization may not be
25 located in a house, apartment, condominium, or an area zoned

1 for residential use. A municipality with a population of
2 500,000 or more may adopt its own zoning requirements with
3 regard to the location of a dispensing organization and its
4 proximity to pre-existing public or private preschool or
5 elementary or secondary school or day care center, day care
6 home, group day care home, part day child care facility, or an
7 area zoned for residential use.

8 (e) A dispensing organization is prohibited from acquiring
9 cannabis from anyone other than a registered cultivation
10 center. A dispensing organization is prohibited from obtaining
11 cannabis from outside the State of Illinois.

12 (f) A registered dispensing organization is prohibited
13 from dispensing cannabis for any purpose except to assist
14 registered qualifying patients with the medical use of cannabis
15 directly or through the qualifying patients' designated
16 caregivers.

17 (g) The area in a dispensing organization where medical
18 cannabis is stored can only be accessed by dispensing
19 organization agents working for the dispensing organization,
20 Department of Financial and Professional Regulation staff
21 performing inspections, law enforcement or other emergency
22 personnel, and contractors working on jobs unrelated to medical
23 cannabis, such as installing or maintaining security devices or
24 performing electrical wiring.

25 (h) A dispensing organization may not dispense more than
26 2.5 ounces of cannabis to a registered qualifying patient,

1 directly or via a designated caregiver, in any 14-day period
2 unless the qualifying patient has a Department of Public
3 Health-approved quantity waiver.

4 (i) Before medical cannabis may be dispensed to a
5 designated caregiver or a registered qualifying patient, a
6 dispensing organization agent must determine that the
7 individual is a current cardholder in the verification system
8 and must verify each of the following:

9 (1) that the registry identification card presented to
10 the registered dispensing organization is valid;

11 (2) that the person presenting the card is the person
12 identified on the registry identification card presented
13 to the dispensing organization agent;

14 (3) that the dispensing organization is the designated
15 dispensing organization for the registered qualifying
16 patient who is obtaining the cannabis directly or via his
17 or her designated caregiver; and

18 (4) that the registered qualifying patient has not
19 exceeded his or her adequate supply.

20 (j) Dispensing organizations shall ensure compliance with
21 this limitation by maintaining internal, confidential records
22 that include records specifying how much medical cannabis is
23 dispensed to the registered qualifying patient and whether it
24 was dispensed directly to the registered qualifying patient or
25 to the designated caregiver. Each entry must include the date
26 and time the cannabis was dispensed. Additional recordkeeping

1 requirements may be set by rule.

2 (k) The physician-patient privilege as set forth by Section
3 8-802 of the Code of Civil Procedure shall apply between a
4 qualifying patient and a registered dispensing organization
5 and its agents with respect to communications and records
6 concerning qualifying patients' debilitating conditions.

7 (l) A dispensing organization may not permit any person to
8 consume cannabis on the property of a medical cannabis
9 organization.

10 (m) A dispensing organization may not share office space
11 with or refer patients to a physician.

12 (n) Notwithstanding any other criminal penalties related
13 to the unlawful possession of cannabis, the Department of
14 Financial and Professional Regulation may revoke, suspend,
15 place on probation, reprimand, refuse to issue or renew, or
16 take any other disciplinary or non-disciplinary action as the
17 Department of Financial and Professional Regulation may deem
18 proper with regard to the registration of any person issued
19 under this Act to operate a dispensing organization or act as a
20 dispensing organization agent, including imposing fines not to
21 exceed \$10,000 for each violation, for any violations of this
22 Act and rules adopted in accordance with this Act. The
23 procedures for disciplining a registered dispensing
24 organization shall be determined by rule. All final
25 administrative decisions of the Department of Financial and
26 Professional Regulation are subject to judicial review under

1 the Administrative Review Law and its rules. The term
2 "administrative decision" is defined as in Section 3-101 of the
3 Code of Civil Procedure.

4 (o) Dispensing organizations are subject to random
5 inspection and cannabis testing by the Department of Financial
6 and Professional Regulation and State Police as provided by
7 rule.

8 (Source: P.A. 98-122, eff. 1-1-14.)".